

DETAILED ACTION

The drawing is objected to under 37CFR1.84(p)(5) as failing to contain all reference numerals in the description. For example, numerals 9b and 9c on page 9 of the description are not in the drawing. The drawing and description should be reviewed and amendments made to assure the numerals in one appear in the other. The introduction of new matter should be guarded against.

The drawing is also objected to under 37CFR1.83(a) as failing to show and label every claimed element. For example, plural conveyors in claim 27 are not shown and labeled. Correction is required. The introduction of new matter should be guarded against.

The specification is objected to for being in improper form. Note the reference to claim 1 in lines 33-37 on page 3 and to claims 1 and 30 in lines 24-30 on page 7. The specification should provide a basis for the claims and not vice versa. Correction is required. The introduction of new matter should be guarded against..

In the specification, page 8, line 36, "5" should be --6a-- and on page 9, line18, "6" should be --6a--.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 17 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear how the slide is mounted to be turned and what turns it.

It is also unclear how the shaft is constructed to be removable.

The above deficiencies should be addressed by applicant as per the original disclosure. The introduction of new matter should be guarded against.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "the plane" in line 9 lacks a clear antecedent basis. A phrase similar to --said first and second directions are in a common plane-- after "direction in line 5 would obviate this deficiency.

Regarding claim 2, this claim is inaccurate. The slide does not turn. The gripper turns. Also "it" in line 2 should be --said arm-- to provide clarity.

Regarding claim 5, this claim is inaccurate. The bushes are not driven by the same pulling element as set forth in line 3. See claim 6 for clarity.

Regarding claim 7, this claim is incomplete. It sets forth a desired result but no structure to provide the result.

Regarding claim 8, "a first housing part" and "a second housing part" should be correlated with "a housing". Note claim 20 for proper correlation.

Regarding claim 10, this claim is incomplete and/or indefinite. It sets forth a desired result but no structure to provide the result.

Regarding claim 12, it is unclear whether this claim is referring to the gripper pulling elements only or all pulling elements. Clarification is required.

Regarding claim 15, this claim is indefinite. The phrase "the one pulley" in line 4 lacks a clear antecedent basis. It appears "the one pulley" should be --one of the two pulleys-- and "shaft" in line 5 should be --the other of the two pulleys--.

Regarding claims 19 and 20, they have the same deficiency as claim 1.

Regarding claim 22, it has the same deficiency as claim 10.

Regarding claim 23, it has the same deficiency as claim 5. Note claim 24 corrects this deficiency.

Regarding claim 25, it has the same deficiency as claim 7.

Regarding claim 30, this claim is indefinite since it lacks active steps.

Regarding claim 33, this claim is indefinite. The phrase "transmission pulling element" should be positively correlated with "a shaft and two pulleys" in claim 15.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 8-13, 19-22, 31, 32 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier or vice versa.

It would have been obvious to substitute for the actuators and pulling elements in Schinzel actuators mounted on the base and pulling elements comprising all belts and pulleys in view of the teaching in Peltier. Note Peltier's actuators are mounted on the base and the pulling elements are belts and pulleys. It would also have been obvious to provide a housing in Schinzel in view of the housing in Peltier.

It would also have been obvious to provide a gripper as claimed in Peltier in view of the gripper in Schinzel which moves vertically and rotates. It would also have been obvious to provide actuators and pulling elements on the base in Peltier in view of the location of actuators 4 and 5 in Peltier.

Regarding claims 8 and 20, note the housing in Peltier, figure 7.

Regarding claims 9, 10, 21 and 22, it would have been obvious to use stainless steel or plastic to enhance cleaning and/or save weight since it has been held to be within the general skill of a worker to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ416.

Claims 5, 6, 7, 23, 24, 25, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier or vice versa as applied to claim 1 above, and further in view of Sawada, et al.

It would have been obvious to substitute a gripper as claimed for the gripper in Schinzel as modified by Peltier in view of the gripper in Sawada (figure 3).

Whether one used a gripper in Peltier as taught by Schinzel or Sawada would have been an obvious matter of choice between two equivalents. Note Peltier teaches locating the actuators on the base.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier or vice versa as applied to claim 1 above, and further in view of Burch.

It would have been obvious to mount the device in either Schnizel or Peltier on wheels for mobility for use in remote locations in view of the teaching in Burch.

Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnizel in view of Peltier or vice versa as applied to claim 1 above, and further in view of Dahlstrom.

It would have been obvious to provide a conveyor and to use the robot in Schnizel as modified by Peltier or vice versa to remove articles from the conveyor and place them in another location in view of the teaching in Dahlstrom.

Regarding claim 30, the articles could have been any conventional articles including food articles.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier or vice versa as applied to claim 26 above, and further in view of Fallas.

It would have been obvious to replicate the robot in Schinzel as modified by Peltier or in Peltier as modified by Schinzel and provide plural conveyors to move articles with the claimed conveyor control in view of the teaching in Fallas (abstract and column 5 and figure 3).

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnizel in view of Peltier or vice versa and Dahlistrom as applied to claim 26 above, and further in view of Antoszewski, et al and/or Hashimoto, et al.

It further would have been obvious to provide a robot controller which functions based on conveyor speed in view of the teaching in Antoszewski (column 3, lines 55-67) and/or on the type of article in view of the teaching in Hashimoto (column 3, lines 43-68).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Underwood whose telephone number is 571-272-6933. The examiner can normally be reached on Mon-Thursdays 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Donald Underwood/
Primary Examiner, Art Unit 3652

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